IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 189 OF 2006

IN

STAMP NUMBER MAIN NO. 783 OF 2006

SHRI ROHIDAS KUSTA NAIK (SINCE DEC. THROUGH L.RS.) SMT. VITHABAI ROHIDAS NAIK ....Applicant

Versus

INDIAN OVERSEAS BANK, THROUGH BRANCH MANAGER, MADKAI BRANCH ....Respondent

Mr. Anirudha A. S. Borkar, Advocate for the Applicant.

Coram:- P.V. KAKADE, J.

Date:- 31st August, 2006

P.C.:

Heard Advocate for the Applicant. None appears for the respondent though served.

This is an applciation seeking permission to file the appeal as an indigent person under the provisions of Order 44 Rule 1 of C.P. Code and seeking exemption from paying court fee.

It is submitted on behalf of the applicant that she is an indigent person and as per the Schedule of Property she owns two adult buffaloes totally valued at Rs.3500/-. According to the applicant she is solely dependant on the income derived from the said buffaloes for her survival. Besides this property she has no other property except her clothes and utensils of daily use and therefore the application.

In view of the fact that the application is not challenged by the respondent and supported by the affidavit, I see no reason to disbelieve the applicant. Hence the application is made absolute in terms of prayer made in para 6 of the application as contemplated under the provisions of Order 44 rule 1 C.P.C. and disposed of with no order as to costs.

P.V. KAKADE, J.

sl.